

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 15442US02)

***In the Application of:***

Brian Schoner

***Serial No.:*** 10/825,395

***Filed:*** April 15, 2004

***For:*** COLOR MAPPING CIRCUIT

***Examiner:*** Quang N. Vo

***Group Art Unit:*** 2625

***Confirmation No.:*** 8465

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Transmitted via the Office electronic filing system **August 12, 2010.**

**APPLICATION FOR RECONSIDERATION OF THE  
DETERMINATION OF PATENT TERM ADJUSTMENT  
UNDER 35 U.S.C. 154(b)  
ACCOMPANYING THE NOTICE OF ALLOWANCE  
(37 CFR § 1.705)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed May 13, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1086 days.

The bases under § 1.702 for the adjustment are as follows.

## **Positive Patent Term Adjustment**

### **Three Year Guarantee (35 USC § 154(b)(1)(B))**

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 430 days, minus 0 days consumed by an appeal, for a net adjustment of 430 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was April 15, 2004,
- the third anniversary of the actual filing date was April 15, 2007,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on June 18, 2008,
- the first RCE was filed 430 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

## **Reductions in Patent Term Adjustment**

### **Removing Overlap**

- Two or more grounds of delay overlap from April 15, 2007, to September 18, 2007, totaling 156 days of delay.

This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR.

### **Net Patent Term Adjustment**

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

### **Positive Patent Term Adjustment**

- **Three Year Guarantee  
(35 USC § 154(b)(1)(B))**

	<b>Patent Term Adjustment (days)</b>
<b>USPTO Calculation</b>	0
<b>Applicant Calculation</b>	430

### **Reductions in Patent Term Adjustment**

- **Removing Overlap**

	<b>Patent Term Adjustment (days)</b>
<b>USPTO Calculation</b>	0
<b>Applicant Calculation</b>	156

### **Conclusion**

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO

Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1086 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: August 12, 2010

By: /Mirut P. Dalal/  
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10/825,395

COLOR MAPPING CIRCUIT



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Patent Term Adjustment

Filing or 371(c) Date:	04-15-2004	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total Patent Term Adjustment (days):	812
USPTO Adjustment (days):	-	<a href="#">Explanation Of Calculations</a>	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
05-13-2010	Mail Notice of Allowance	75	
05-12-2010	Document Verification	⬆	
05-12-2010	Examiner's Amendment Communication	⬆	
05-10-2010	Notice of Allowance Data Verification Completed	⬆	
02-26-2010	Date Forwarded to Examiner	⬆	
02-18-2010	Appeal Brief Filed	⬆	
02-18-2010	Request for Extension of Time - Granted	⬆	
11-18-2009	Notice -- Defective Appeal Brief	⬆	
11-10-2009	Appeal Brief Review Complete	⬆	
11-10-2009	Date Forwarded to Examiner	⬆	
10-27-2009	Defective / Incomplete Appeal Brief Filed	⬆	
10-27-2009	Appeal Brief Filed	⬆	
10-27-2009	Request for Extension of Time - Granted		
05-27-2009	Notice of Appeal Filed		57
05-27-2009	Request for Extension of Time - Granted		⬆
05-08-2009	Miscellaneous Incoming Letter		⬆
04-03-2009	Request for Refund		⬆
04-07-2009	Mail Advisory Action (PTOL - 303)		⬆
04-07-2009	Advisory Action (PTOL-303)		⬆
04-01-2009	Date Forwarded to Examiner		⬆
03-27-2009	Amendment after Final Rejection		⬆
12-31-2008	Mail Final Rejection (PTOL - 326)		⬆
12-30-2008	Final Rejection		
11-21-2008	Date Forwarded to Examiner		
11-05-2008	Response after Non-Final Action		
08-05-2008	Mail Non-Final Rejection		
08-04-2008	Non-Final Rejection		
06-30-2008	Date Forwarded to Examiner		
06-30-2008	Date Forwarded to Examiner		
06-18-2008	Request for Continued Examination (RCE)		
06-30-2008	Disposal for a RCE / CPA / R129		

06-18-2008	Workflow - Request for RCE - Begin		
03-18-2008	Mail Final Rejection (PTOL - 326)		
03-17-2008	Final Rejection		
02-11-2008	Date Forwarded to Examiner		
01-18-2008	Response after Non-Final Action		31
01-18-2008	Request for Extension of Time - Granted		⬆
09-18-2007	Mail Non-Final Rejection	825	
09-14-2007	Non-Final Rejection	⬆	
08-29-2007	Case Docketed to Examiner in GAU	⬆	
08-03-2007	Case Docketed to Examiner in GAU	⬆	
11-01-2006	IFW TSS Processing by Tech Center Complete	⬆	
06-25-2004	Application Return from OIPE	⬆	
06-25-2004	Application Return TO OIPE	⬆	
06-25-2004	Application Dispatched from OIPE	⬆	
06-28-2004	Application Is Now Complete	⬆	
05-19-2004	Cleared by OIPE CSR	⬆	
04-27-2004	IFW Scan & PACR Auto Security Review	⬆	
04-15-2004	Initial Exam Team nn	⬆	

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PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No. 10/825,395

Docket No. 15442US02

USPTO CALCULATION				APPLICANT'S CALCULATION	
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
11/23/2010	Projected issue date	75			
5/13/2010	Mail Notice of Allowance			75.00	
5/12/2010	Document Verification				
5/12/2010	Examiner's Amendment Communication				
5/10/2010	Notice of Allowance Data Verification Completed				
2/27/2010	4 months after appeal brief filed				
2/26/2010	Date Forwarded to Examiner				
2/18/2010	Appeal Brief Filed				
2/18/2010	Request for Extension of Time - Granted				
11/18/2009	Notice -- Defective Appeal Brief				
11/10/2009	Appeal Brief Review Complete				
11/10/2009	Date Forwarded to Examiner				
10/27/2009	Defective / Incomplete Appeal Brief Filed				
10/27/2009	Appeal Brief Filed				
10/27/2009	Request for Extension of Time - Granted				
5/27/2009	Notice of Appeal Filed		57		57.00







